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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

HONORABLE JACQUELINE SCOTT CORLEY, U.S. MAGISTRATE JUDGE

- - -

WAYMO, LLC,)	
)	
PLAINTIFF,)	Case No.
)	
vs.)	17-CV-00939-WHA
)	
UBER TECHNOLOGIES, INC.;)	
OTTOMOTTO LLC; OTTO TRUCKING, LLC,)	
)	
DEFENDANTS.)	
_____)	

TRANSCRIPT OF THE OFFICIAL
ELECTRONIC SOUND RECORDING 10:02 A.M. - 10:06 A.M.
TELEPHONIC DISCOVERY HEARING
OCTOBER 4, 2017
SAN FRANCISCO, CALIFORNIA

APPEARANCES: (All Counsel Appeared Telephonically)

FOR THE PLAINTIFF:

QUINN EMANUEL URQUHART & SULLIVAN, LLP
Attorneys at Law
BY: Melissa J. Baily, Esq.
50 California Street, 22nd Floor
San Francisco, California 94111
415-875-6600 Fax: 415-875-6700
Email: Melissabaily@quinnemanuel.com

(APPEARANCES CONTINUED ON PAGE 2)

TRANSCRIBED BY: VICTORIA L. VALINE, CSR 3036, RMR, CRR
VictoriaValineCSR@gmail.com

1 **APPEARANCES: (CONTINUED)**

2 *FOR THE DEFENDANTS* UBER, OTTOMOTTO & OTTO TRUCKING:

3 MORRISON & FOERSTER LLP
4 Attorneys at Law
5 BY: Arturo J. Gonzalez, Esq.
6 425 Market Street
7 San Francisco, California 94105
8 415-268-7020
9 Email: Agonzalez@mofo.com.

10 GOODWIN PROCTER, LLP
11 Attorneys at Law.
12 BY: Hong-An Vu, Esq.
13 601 S. Figueroa St 41st Floor
14 Los Angeles, California 90017
15 213-426-2500 Fax: 213-623-1673
16 Email: Hvu@goodwinlaw.com

1 SAN FRANCISCO, CALIFORNIA; OCTOBER 4, 2017

2 10:02 A.M.

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4 (TRANSCRIBER'S NOTE: Due at times to counsels'
5 failure to identify themselves when speaking, certain speaker
6 attributions are based on educated guess.)

7 --o0o--

8 THE CLERK: 17-0939, Waymo versus Uber.

9 THE COURT: Good morning. It's Judge Corley. How may
10 I help you?

11 MR. GONZALEZ: Good morning.

12 MS. BAILEY: Good morning, Judge Corley. This is
13 Melissa Bailey for Waymo.

14 The issue that we're addressing today is -- hopefully we
15 can be very brief -- is the scheduling of the deposition of
16 Ms. Sally Yu.

17 So, as I'm sure you're aware, yesterday Judge Alsup
18 granted a continuance in the case. My understanding is that,
19 at least in part, he granted it to try to mitigate some of the
20 prejudice on Waymo for having received so many materials
21 related to the due diligence investigation and related issues
22 so late in the case.

23 And what we are trying to do is, you know, we're still --
24 we have not asked to delay the entire deposition schedule. We
25 have a lot of depositions still happening this week. We did

1 ask to reschedule Ms. Yu's deposition from this Friday,
2 tomorrow, to a date in the next -- you know, week, week and a
3 half. The reason we asked that is for the same reason we asked
4 for a continuance in the case, to give us a fair opportunity to
5 review a core set of documents that would be relevant to that
6 deposition.

7 You know, we probably won't be able to review everything,
8 but we just want to get our heads around the issues, especially
9 the issues of what Uber knew leading up to the execution of the
10 so-called agreement, what they knew before the acquisition
11 closed, issues like that.

12 Your Honor granted us four hours with Ms. Yu. We don't
13 want to have to figure it out on the fly. We would like the
14 opportunity to actually, you know, take a look -- a meaningful
15 look and review of the documents in advance of this particular
16 deposition.

17 THE COURT: So you want --

18 MS. BAILEY: And we think that that's --

19 THE COURT: Okay. You want to take it by October
20 13th, is it next week? What's the -- what time frame did you
21 give Uber?

22 MS. BAILEY: We would be willing to take it by
23 October 18th, anytime in the next sort of week, week and a
24 half.

25 We would like at least until the 11th to take a closer

1 look at the core documents that would be relevant to her.

2 THE COURT: Okay. Mr. Gonzalez?

3 MR. GONZALEZ: Yes, your Honor, very brief.

4 They asked us to continue five depositions that were
5 scheduled for this week. We conferred with John and agreed to
6 push back four of them.

7 The reason we're going in line with Sally Yu is because A,
8 her schedule is horrendous and carving out a five-hour time
9 period is very difficult. And B, there really is no reason to
10 put it off. I think you know what they're looking at. They're
11 looking at stuff that Anthony Levandowski had in this vault
12 that she never saw. It has nothing do do with her.

13 THE COURT: I'm just going to stop -- I'm just going
14 to stop you for one second, Mr. Gonzalez.

15 MR. GONZALEZ: I'm almost finished.

16 THE COURT: Is she not available between now and
17 October 18th?

18 MR. GONZALEZ: Your Honor, what I'm told is there is
19 no five-hour block next week, which doesn't surprise me given
20 everything that's going on at Uber.

21 THE COURT: So what about the following week?

22 So all the depositions need to be completed by the
23 following week regardless, and I think Ms. Bailey, from what
24 I'm hearing, fortunately understands that. They're just going
25 to have to prioritize and make choices because we're not

1 carrying discovery on into November.

2 So what about the following week then?

3 MR. GONZALEZ: I candidly haven't checked on the
4 following week, your Honor.

5 THE COURT: All right. I think that's appropriate. I
6 think that's appropriate. But -- but, just to give you some
7 comfort, we're not carrying discovery on. It all needs to be
8 done by that week of the --

9 MR. GONZALEZ: Understood, your Honor. I will check
10 and see what her availability is.

11 THE COURT: Okay.

12 MR. GONZALEZ: And if, in good faith, she is not
13 available then, I will call counsel and John and maybe get you
14 back on the phone and --

15 THE COURT: I don't think so. I don't think so. Find
16 a date that works that's convenient for everyone.

17 MR. GONZALEZ: Yeah. I understand. I understand,
18 your Honor. I --

19 THE COURT: We're not continuing this -- yeah. We're
20 not continuing this forever, but I think it's appropriate.
21 Okay.

22 MR. GONZALEZ: Thank you, your Honor.

23 THE COURT: Great. Thank you.

24 MS. BAILEY: Thank you, your Honor.

25 MR. GONZALEZ: Great. Thank you very much.

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MR. VU: Thank you.

THE COURT: Thank you.

(The matter concluded at 10:06 a.m.)

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1 CERTIFICATE OF TRANSCRIBER

2
3 I certify that the foregoing is a true and correct
4 transcript, to the best of my ability, of the above pages of
5 the official electronic sound recording provided to me by the
6 U.S. District Court, Northern District of California, of the
7 proceedings taken on the date and time previously stated in the
8 above matter.

9
10 I further certify that I am neither counsel for, related
11 to, nor employed by any of the parties to the action in which
12 this hearing was taken; and, further, that I am not financially
13 nor otherwise interested in the outcome of the action.

14
15 ***/s/ VICTORIA L. VALINE***

16 _____
17 Victoria L. Valine, CSR 3036, RMR, CRR
18 October 10, 2017
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